

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DUSHAN MOORE,

Plaintiff,

v.

Case Number 13-14720
Honorable David M. Lawson

ESTER WARD,

Defendant.

_____ /

ORDER DENYING MOTION TO AMEND JUDGMENT

The matter is before the Court on the defendant's motion to amend the judgment to include a declaration that the dismissal of the plaintiff's complaint counts as a "litigation strike" under 28 U.S.C. § 1915(g). The defendant's motion does not indicate whether defendant's counsel sought concurrence in the relief requested from the plaintiff, who is proceeding *pro se* in this matter, as defendant's counsel was obliged to do under the local rules. *See* E.D. Mich. LR 7.1(a). In this district, movants must seek concurrence in the relief requested before filing a motion for relief in this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between attorneys or unrepresented parties and other persons entitled to be heard on the motion in which the movant explained the nature of the motion or request and its legal basis and requested but did not obtain concurrence in the relief sought [or] despite reasonable efforts specified in the motion or request, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2). The defendant does not state in her motion that concurrence was sought from the plaintiff before filing the motion. "It is not up to the

Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996).

Moreover, the defendant did not file any brief in support of her motion, and she has identified no legal authority to establish that she is entitled to the relief that she seeks. *See* E.D. Mich. LR 7.1(d)(1) (“[E]ach motion and response to a motion must be accompanied by a single brief. . . . If contained within the motion or response, the brief must begin on a new page and must be clearly identified as the brief.”). The defendant has filed her motion in violation of the applicable rules, and the Court therefore will deny the motion.

Accordingly, it is **ORDERED** that the plaintiff’s motion to amend the complaint [dkt. #17] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 9, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 9, 2014.

s/Marilyn Orem
MARILYN OREM